

ORIGINAL

Decision 82 05 021 MAY - 4 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
The City of Vacaville to construct)
a new City Street across the Right)
of Way of the Southern Pacific)
Transportation Company at Allison)
Parkway, near Vaca Valley Parkway.)

Application 82-02-44
(Filed February 17, 1982)

O P I N I O N

As part of the project to develop Kirkpatrick-Power Industrial Park, the City of Vacaville (City) requests authority to construct Allison Parkway at grade across the tracks of Southern Pacific Transportation Company's (SPT) Winters Branch Line in Vacaville, Solano County.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation and review of an Initial Study, City issued a Negative Declaration and approved the project. On October 16, 1981, a Notice of Determination was filed with the Solano County Clerk which found that there were no significant adverse environmental impacts.

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The project involves rezoning of 200 acres of land for industrial use in conformance with City's General Plan. Allison Parkway will provide the only means of public access to the proposed industrial park, which is located immediately north of the Brown Street Sewer Treatment Plant between the Putah South Canal and SPT's tracks.

By protest filed March 17, 1982, SPT stated that four Standard No. 9 automatic gate-type signals should be required, rather than two Standard No. 9-A gate-type signals with cantilevers, and that all costs of the project should be borne by City.

By letters of February 19 and March 23, 1982 to the Commission, City agreed to the crossing protection proposed by SPT and to bear all costs for construction of the crossing and installation of the crossing protection system. Accordingly, SPT withdrew its protest by letter of April 6, 1982.

There are no unresolved protests to the application. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Allison Parkway at grade across the tracks of SPT's Winters Branch Line in Vacaville, Solano County.

2. The proposed crossing is required to provide access to the planned Kirkpatrick-Power Industrial Park in the northeast portion of Vacaville.

3. Public convenience and necessity require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be four Standard No. 9 automatic gate-type signals (General Order 75-C).

5. City is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

7. The project will have no significant impact on the environment.

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of Vacaville (City) is authorized to construct Allison Parkway at grade across the tracks of Southern Pacific Transportation Company's (SPT) Winters Branch Line in Vacaville, Solano County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing AD-66.3.
2. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order 72-B.
3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.
4. Protection at the crossing shall be four Standard No. 9 automatic gate-type signals (General Order 75-C).
5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.
6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.
7. Construction plans of the crossing, approved by SPT, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. Within 30 days after completion, under this order, City shall advise the Commission in writing.

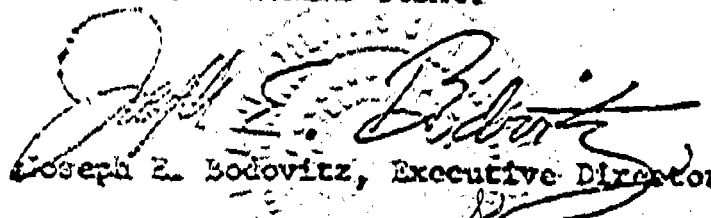
This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated MAY 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director